

# Finding Your Way

Guides for Fathers in Child Protection Cases

## Guide 5 When You Owe Child Support

### About the guides

This is one in a series of guides that give you tips to help you and your child throughout the court case. The guides include:

- Guide 1: Your rights and responsibilities
- Guide 2: How to work with your lawyer
- Guide 3: Your role in court
  - 3.1: The court process
  - 3.2: Who will be in court
  - 3.3: Common court terms
- Guide 4: Your role outside court
- Guide 5: When you owe child support
- Guide 6: If you are or have been in prison

Keep these guides in a safe place. Review them before you attend a court hearing or meeting. Check the guides to see which one(s) will help you as you prepare for that court date or meeting.

*This guide provides general information, not legal advice. If you have case-specific or legal questions, ask your lawyer or caseworker.*



### WHEN YOU MUST PAY CHILD SUPPORT

Paying child support helps your child. This is why many states have strict laws about paying child support and say that **you must still pay child support** even if you are:

In prison	<ul style="list-style-type: none"><li>In many states, you will still owe the same amount, even if you are in jail. To change this, you will have to ask the judge to modify the order.</li></ul>
In school	<ul style="list-style-type: none"><li>You must still pay child support if you are enrolled in school.</li></ul>
Out of work	<ul style="list-style-type: none"><li>You will still owe support if you don't have a full-time job, lose your job, or receive unemployment or disability benefits. The court may change the amount you owe, but only if you ask.</li></ul>
In the military	<ul style="list-style-type: none"><li>You must still pay child support if you are in the military.</li></ul>
Not married to the child's mother, but she is married to someone else	<ul style="list-style-type: none"><li>Only if the stepfather adopts the child will you no longer owe support.</li></ul>
Married to someone else and have or are planning to have children with your current spouse	<ul style="list-style-type: none"><li>You may be able to get a court to lower the amount you owe because you have or will have more children to care for.</li></ul>

### HOW MUCH IS DUE AND FOR HOW LONG?

How much?	<ul style="list-style-type: none"><li>Each state has its own system for determining how much child support you owe. In almost all states the amount you owe is based partly on your income. In some places the amount you owe is also based on your child's needs.</li></ul>
Do I pay for my child's medical insurance?	<ul style="list-style-type: none"><li>Part of your child support obligation may include helping to pay your child's medical bills. For example, if you have health insurance, you may be required to add your child to your health insurance plan.</li></ul>

Can the support amount change?	<ul style="list-style-type: none"><li>The amount you owe may change, but <i>only</i> if the judge changes the amount. So, if you lose your job or your income is decreased make sure you get a court hearing soon to address whether the amount you owe can change.</li></ul>
How long?	<ul style="list-style-type: none"><li>How long you have to pay child support varies from state to state.</li><li>Even though your child may be considered an adult at 18, if he or she has not graduated from high school, you may still owe child support until he or she graduates.</li><li>A few states require parents to pay child support for longer—until the child turns 21.</li><li>If you didn't pay child support when it was owed, even if your child is too old now, you will still have to pay back what you owed.</li></ul>

Do I pay if my child is legally emancipated?	<ul style="list-style-type: none"><li>You will not owe support if your child becomes a "legal adult" through a court process called "emancipation," even if the child is under age 18 at the time.</li><li>You will also stop owing support if your child is adopted.</li></ul>
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### WHAT HAPPENS IF YOU DON'T PAY?

Not paying the amount you owe on time can have serious consequences. The child support agency or court may...	<ul style="list-style-type: none"><li>use this as evidence against you in the child welfare case;</li><li>put you in jail for a limited time;</li><li>put you on probation;</li><li>suspend your driver's license until you pay, as well as professional or recreational licenses (like hunting or fishing licenses);</li><li>report your name to credit agencies, which will make your credit score go down and make it harder for you to get loans;</li><li>add interest to the amount that you owe, so that you owe even more in child support than you did before;</li><li>take your property or any money you make when you sell that property;</li><li>take money directly from your paycheck or benefit checks (if they are not doing that already);</li><li>deny your passport application.</li></ul>
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# When You Owe Child Support

You’re a dad who does not live with your child. You learn your child is involved in a court case because of suspected abuse or neglect. Even if you weren’t your child’s caretaker, or don’t see your child often, you may be responsible for providing child support. This guide helps answer common questions fathers have about child support in child welfare cases.

## What Is Child Support?

Child support is money that you pay to the person who has custody of your child when you live apart from the child. Payments are usually made either once or twice a month to help cover the costs of raising the child. This assistance can be critical to your child’s upbringing because it will help pay for important things in his or her life.

- When to use this guide**
- ✓ Use it to help you recall **what is expected of you and what rights you have when you are dealing with child welfare and child support issues.**
  - ✓ Read it **if you are paying, owe or may owe** child support.

## Paying Child Support Is Important

Making child support payments helps pay for items your child needs, like food, doctor’s appointments, clothes, and school supplies. Providing this support, even if it’s not a lot, can make a difference for your child and help you become closer to him or her.

### FINDING A LAWYER

<b>How a lawyer can help</b>	Having a lawyer in your child support case can help you: <ul style="list-style-type: none"><li>• protect your rights;</li><li>• file papers with the judge;</li><li>• possibly get the monthly amount of support payments, or arrearages owed, reduced;</li><li>• request appropriate assistance, hearings and a trial, if appropriate; and</li><li>• request a change in your support obligations, particularly if they make it hard for you to participate in and seek custody of your child in the child welfare case.</li></ul>
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<b>Where to find a lawyer</b>	<ul style="list-style-type: none"><li>• You may already have a lawyer in your child welfare case. This lawyer may represent you if child support issues arise, or refer you to another lawyer.</li><li>• Some lawyers, such as those at legal aid, the local bar association, or an area law school clinic, may be able to represent you for free or at a low cost. If you don’t have a lawyer in your child welfare case, ask your caseworker for help finding a lawyer for your child support case.</li></ul>
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<b>If you cannot afford or find a free lawyer</b>	<ul style="list-style-type: none"><li>• The court may have a self-help legal center to help you manage your case.</li></ul>
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### GETTING OTHER HELP

Many states have support programs that help you find a job or enroll in vocational training or other services to help you parent your child (such as parenting classes). This assistance helps you maintain a good relationship with your child and provide for him or her without struggling to make ends meet. Ask your lawyer or caseworker what programs or fatherhood support groups are near you.

## HOW YOUR CHILD WELFARE CASE RELATES TO YOUR CHILD SUPPORT CASE

<b>If you were already paying support because a judge ordered it</b>	<ul style="list-style-type: none"><li>• The money that was going to your child’s caretaker (e.g., mother) will probably start going to the government to help pay for your child’s foster care.</li></ul>
<b>If you weren’t paying support before the child welfare case started</b>	<ul style="list-style-type: none"><li>• The government may file documents in court to get you to start paying, even if you were already helping your child informally.</li></ul>
<b>If you owe support under a court order</b>	<ul style="list-style-type: none"><li>• Always try to pay the full amount on time.</li><li>• In some states, failure to pay support may be used as evidence against you in the child welfare case and may be considered if the government tries to terminate your parental rights.</li><li>• If you don’t think you can pay the amount you owe, ask the judge to reduce your obligation.</li><li>• Also keep track of other support you provide your child, like diapers, food, or clothes as this may be taken into account.</li></ul>

## WHO OWES CHILD SUPPORT?

<b>Divorced/ Never married</b>	<ul style="list-style-type: none"><li>• If you either divorced or never married the child’s mother and do not have custody of your child, you still could owe child support.</li><li>• Even though there may not be a formal court order requiring you to pay, the child’s caretaker or child welfare agency may seek a formal order at any time.</li></ul>
<b>No legal proof of biological fatherhood</b>	<ul style="list-style-type: none"><li>• You won’t owe child support if you are not legally shown to be the biological father.</li></ul>
<b>Legal proof of fatherhood or Acknowledge fatherhood</b>	<ul style="list-style-type: none"><li>• You may not owe support until after you are proven to be the father. This could be done through testing, which the agency or you pays for, or if you admit you are the father.</li><li>• Depending on your state, if you are proven to be the father, you could owe unpaid child support dating back to before your paternity was established.</li></ul>

